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REMARKS

The Examiner has rejected Claims 1-6 and 8-16 under 35 U.S.C. 102(e) as being anticipated by Levi (U.S. Patent No. 6,804,778). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Specifically, applicant has amended each of the independent claims to at least substantially include the subject matter of former dependent Claims 2-7 et al.

With respect to the subject matter of former Claim 7 et al. (now at least substantially incorporated into each of the independent claims), the Examiner has rejected the subject matter of such claims under 35 U.S.C. 103(a) as being unpatentable over Levi (U.S. Patent No. 6,804,778) in view of Hershey et al. (U.S. Patent 5,414,833). Specifically, the Examiner has relied on the following excerpts from Hershey to make a prior art showing of applicant's claimed technique "wherein said malware scanner is operable to concatenate portions of a data file from a plurality of data packets to form a data file to be scanned" (see this or similar, but not necessarily identical language in each of the independent claims).

"The adaptive, active monitor comprises two finite state machines (FSM) which are constructed to detect the occurrence of a characteristic data pattern having two consecutive component bit patterns. The first FSM is called the predecessor FSM, and it is configured to detect the first component pattern. The second FSM is called the successor FSM, and it is configured to detect the second component pattern. The first FSM will send a starting signal to the second FSM, when the first FSM has successfully detected the first component pattern. The starting signal initializes the second FSM, to take over the analysis of the portion of the bit stream which follows the first component pattern. If the second FSM successfully detects the second component pattern, it then outputs a pattern alarm signal, indicating the successful detection of the entire characteristic data pattern." (Col. 9, line 62 - col. 10, line 10)

"The address register has two portions, an n-X bit wide first portion and a X-bit wide second portion X. X is one bit for binary data, X is a word of two bits for Manchester encoded data, or X is a word of five bits for FDDI encoded data. The X-bit wide portion is connected to the input data stream which contains the characteristic data pattern of interest. The n-X bit wide portion contains data which is output from the memory. The next address to be applied by the address register to the memory is made up of

the X-1 bit wide portion and the next arriving X-bit word from
the input data stream." (Col. 10, lines 49-60)

After a careful review of the foregoing excerpt and the remaining Hershey
reference, however, it is clear that the Examiner has taken into consideration the full
weight of applicant's claims. The only concatenation in Hershey is concatenation to form
an address for a data storage location. This fails to meet applicant's claimed
concatenation of "portions of a data file from a plurality of data packets to form a data
file to be scanned" (emphasis added), as claimed.

With respect to the 103 rejection, to establish a *prima facie* case of obviousness,
three basic criteria must be met. First, there must be some suggestion or motivation,
either in the references themselves or in the knowledge generally available to one of
ordinary skill in the art, to modify the reference or to combine reference teachings.
Second, there must be a reasonable expectation of success. Finally, the prior art reference
(or references when combined) must teach or suggest all the claim limitations. The
teaching or suggestion to make the claimed combination and the reasonable expectation
of success must both be found in the prior art and not based on applicant's disclosure. *In
re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie*
case of obviousness has not been met, since the prior art references, when combined, fail
to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite
such paramount deficiencies and in the spirit of expediting the prosecution of the present
application, applicant has amended each of the independent claims to further distinguish
applicant's claim language from the above reference, as follows:

"wherein said network bridge is address-transparent with respect to data
packets passing therethrough, such that at least in terms of addressing, no
configuration changes are required when said network bridge is introduced in an
associated network segment;

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wherein, upon receipt of at least one of said data packets, said network

bridge determines if said at least one data packet is intended for a recipient on a

side of said network bridge on which said at least one data packet was received;

wherein, if it is determined that said at least one data packet is intended for

a recipient on a side of said network bridge on which said at least one data packet

was received, said at least one data packet is not passed by said network bridge;

wherein, if it is determined that said at least one data packet is not

intended for a recipient on a side of said network bridge on which said at least one

data packet was received, it is determined if said at least one data packet has a

predetermined network layer protocol selected from the group consisting of

TCP/IP; IPX; SNA; and Appletalk;

wherein, if it is determined that said at least one data packet has said

predetermined network layer protocol, it is determined if said at least one data

packet has a predetermined application layer protocol selected from the group

consisting of SMTP; FTP; HTTP; SMB; and NFS;

wherein, if it is determined that said at least one data packet has said

predetermined application layer protocol, portions of a data file from a plurality of

said data packets are concatenated to form a data file to be scanned;

wherein, if it is determined that said at least one data packet does not have

said predetermined application layer protocol, said at least one data packet is

passed by said network bridge without being scanned" (emphasis added).

Thus, now emphasized is the specific functionality of the network bridge, as well

as the various conditional functionality that is set forth in the description of Figure 6 of

the original application, at least in part. No new matter has been added. Note that only

applicant teaches and claims the two-tier conditional determination of determining

whether a data packet has a predetermined network layer protocol and then application

layer protocol, prior to concatenating, scanning, passing without scanning, etc., as

claimed.

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A notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 28-30 below, which are added for full consideration:

"wherein said network bridge includes a pair of network interface units that operate to receive said data packets on an associated network line and pass said at least one data packet to a packet analysis unit connected thereto, said packet analysis unit coupled to a software based malware scanner and a hardware based malware scanner" (see Claim 28);

"wherein a plurality of said malware scanners is included with said network bridge, each malware scanner adapted for handling different predetermined network layer protocols and different predetermined application layer protocols, where said malware scanners are passed said at least one data packet based on said determination whether said at least one data packet has said predetermined network layer protocol and said determination whether said at least one data packet has said predetermined application layer protocol" (see Claim 29); and

"wherein, after scanning, a data file is broken down into said data packets for forwarding to an intended recipient" (see Claim 30).

A notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

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In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P443/01.053.01).

Respectfully submitted,
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